

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7496

BILL NUMBER: SB 445

NOTE PREPARED: Jan 8, 2009

BILL AMENDED:

SUBJECT: Intimidation.

FIRST AUTHOR: Sen. Delph

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill enhances intimidation to a Class D felony if the threat: (1) is communicated to a prosecuting attorney or an employee of a prosecuting attorney; (2) includes a threat that causes another person to part with any property; or (3) is communicated to a parent or sibling of a witness in a pending criminal proceeding.

It enhances intimidation to a Class C felony if the threat is a threat to commit a forcible felony against certain individuals.

The bill also provides affirmative defenses.

Effective Date: July 1, 2009.

Explanation of State Expenditures: State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail or if an offender is incarcerated in a state prison for a longer period of time.

A Class D felony is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from 2 to 8 years.

More offenders could mean increased costs to the Department of Correction (DOC). The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost per offender for

medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223.

The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months and for all Class C felony offenders is approximately two years.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000.

However, no change would likely occur in state revenue as a result of an offender being convicted of a Class C felony rather than a Class D felony since criminal fines and court fees are the same for either Class D or C felonies.

Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

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